

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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METRO FOUNDATION CONTRACTORS, INC.,

Plaintiff,

09 Civ. 6796 (KBF)

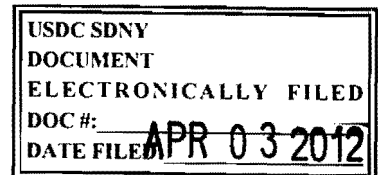
-v-

ORDER

ARCH INSURANCE COMPANY,

Defendant,

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ARCH INSURANCE COMPANY,

Third-Party Plaintiff,

-v-

MARCO MARTELLI & ASSOCIATES, INC.,
MARTELLI REAL ESTATES, INC., MARCO
MARTELLI, MADELINE MARTELLI, RONALD
KUHLMANN and PATRICK QUIGLEY,

Third-Party Defendants.

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KATHERINE B. FORREST, District Judge:

For the reasons stated on the record at today's conference:

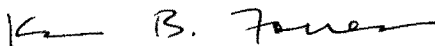
1. Metro Foundation Contractors, Inc.'s ("Metro") action
against Arch Insurance Company ("Arch") is DISMISSED. The
Clerk of the Court is directed to terminate the action
brought by Metro against Arch.

2. Arch's Motion for Summary Judgment against Metro is DENIED as moot. The Clerk of the Court is directed to terminate the motion at Docket No. 91.

3. The inquest on damages as to the judgment entered in favor of third-party defendants against Metro, scheduled for June 7, 2012, will be conducted by Judge Forrest.

SO ORDERED.

Dated: New York, New York
April 3, 2012



KATHERINE B. FORREST
United States District Judge